

## Inactive Voters in Montana

EXHIBIT

DATE 3/20/09

SB 394

	Inactive Voters
MONTANA	87,973
BEAVERHEAD	830
BIG HORN	914
BLAINE	436
BROADWATER	322
CARBON	697
CARTER	62
CASCADE	12,532
CHOUTEAU	482
CUSTER	610
DANIELS	183
DAWSON	1,213
DEER LODGE	1,055
FALLON	191
FERGUS	878
FLATHEAD	8,111
GALLATIN	5,868
GARFIELD	1
GLACIER	1,404
GOLDEN VALLEY	17
GRANITE	375
HILL	1,448
JEFFERSON	829
JUDITH BASIN	113
LAKE	1,898
LEWIS AND CLARK	3,015
LIBERTY	24
LINCOLN	2,682
MADISON	625
MCCONE	77
MEAGHER	121
MINERAL	261
MISSOULA	10,009
MUSSELSHELL	364
PARK	1,686
PETROLEUM	4
PHILLIPS	235
PONDERA	422
POWDER RIVER	179
POWELL	317
PRAIRIE	75
RAVALLI	3,283
RICHLAND	1,017
ROOSEVELT	902
ROSEBUD	804
SANDERS	691
SHERIDAN	162
SILVER BOW	1,804
STILLWATER	922
TETON	467
TOOLE	202
VALLEY	232
WHEATLAND	72
WIBAUX	105
YELLOWSTONE	16,745

Sarah Cobler  
MCV

DOBT 11  
DATE 3/20/09  
SB 394

House State Administration Committee  
Montana Conservation Voters  
Po Box 63  
Billings, MT 59103

March 20<sup>th</sup>, 2009

**On behalf of Montana Conservation Voters, I ask you to oppose SB 394.**

Montana Conservation Voters is a statewide organization that works to register Montanans to vote, provides information about the election process, encourages voters to cast their ballot, and works to make elections more efficient and accessible for voters.

**I ask you to oppose SB 394, which would remove the restriction against conducting federal, state or county elections entirely by mail ballot.** This bill would allow counties to eliminate polling places in any county that chooses to implement a mail ballot election.

MCV is not opposed to mail ballots. We worked with the HJR 46 work group and the interim SAVA committee throughout the last interim on the issue of mail balloting, testified we could support a well-structured mail ballot pilot program to assess the affects of holding all elections by mail, and offered amendments to the mail ballot pilot program in HB 18 to improve the program and ensure that voting remains accessible to all qualified Montana voters.

For several years, MCV has highlighted the strain on election resources. During the HJR 46 work group and SAVA interim committee meetings, MCV frequently raised concerns about the need for more election judges and other resources at the county level, and about an election system that at the state level receives no general funds, but rather is financed by business fees. MCV offered suggestions for recruiting election judges and asked that the SOS begin to develop a plan for how Montana election administrators can meet ongoing and increasing election resource needs in the future and we continue to work with Secretary of State McCulloch on this. We do not think that moving to mail ballots in a way that may eliminate opportunities for qualified voters to cast their ballot, as SB 394 does, is the answer.

Much of the testimony about mail ballots has pointed to the Oregon system. However, **Montana is not Oregon, and the voting systems that Oregon has in place specifically to accommodate mail ballot** voting are not in place in Montana and will not be if this bill passes.

One very important example is with respect to inactive voters. In Montana, qualified electors are placed on the inactive list if they miss voting in a single federal election and do not respond to either of two mailings – one nonforwardable

and one forwardable - asking them to confirm their address. At a polling place election, these inactive voters can show up at their polling places, confirm their address and vote a regular ballot.

**Under mail balloting in Montana, inactive voters do not get a ballot mailed to them.** MCV's best estimate of inactive voters in Montana, using information from the state voter list, is that there are currently almost **88,000 inactive voters in Montana**. That's 1 in every 8 voters. Many of these may reactivate before the next election, but many don't, and it's those tens of thousands of voters that will not receive a ballot under an all vote-by-mail system.

**Oregon handles inactive voters very differently – most importantly, it takes five years for voters to be put on the inactive list in Oregon, compared to one year in Montana**, so more qualified voters get a ballot in Oregon. In addition, Oregon has adopted a system whereby election administrators, when they received a Post Office change of address for an elector who has moved within the same county, are required to update the elector's registration with the new address, and send the elector a new precinct card to confirm. This not only helps clean up the registration list, but also helps to reduce the number of inactive voters.

There are also no provisions in SB 394 for additional outreach to inactive voters who currently activate at polling places. We had suggested this outreach for the pilot program.

None of these provisions – the longer time before a qualified voter is put on an the inactive list, the automatic address update, or the additional outreach to inactive voters – are incorporated into Montana law, which means that **tens of thousands of otherwise qualified, legally registered electors will not receive ballots in any state and federal mail ballot election**. That omission will determine the outcome of many, many elections.

Another example of the kinds of problem that occur by adopting this mail ballot provision without changing the underlying election processes is that **the time frame for mailing ballots remains at as little as 15 days before the election, which is not sufficient time** in a federal or state election for election administrators to follow up with voters for whom forwarding addresses are received in order to verify their new addresses and send them ballots in time to vote. We had suggested a longer time frame in the HB 18 discussion.

SB 394 does even less than HB 18 to ensure that necessary procedures are in place to accommodate all voters. The bill provides **no special provisions for processes such as signature verification, mailing procedures and coordination with the USPS at a local or statewide level, or minimum numbers and operation of places of deposit or drop sites**. There is also little likelihood that there will be any kind of analysis of the effects of holding elections solely by mail on populations such as Native Americans, or on certain transitional populations, such as low income or young voters. While the data might be

retrievable, not all such data will be retrievable without planning in advance, and no one has agreed to collect that data or evaluate the data that might be collected.

**Finally, there is the issue of fairness.** Because many of these processes are left to the discretion of a county - large or small, rural or urban - voters may be treated very differently from one location to another, even when they are voting in the same House race.

SB 394 as written is a recipe for failure, and even one failed election is too much. We urge you to oppose SB 394.

Thank you for your time,

Sarah Cobler, Program Director  
Montana Conservation Voters